

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Confirmation Number: 2525

Duvaut, et al.

Group Art Unit: 2611

Serial No.: 10/714,655

Examiner: Bolourchi, Nader

Filed: November 18, 2003

TKHR Ref.: 60707-1680

Conexant Ref. GV285

For: Power Spectral Density Masks for Improved Spectral Compatibility

**PETITION TO FILE ON BEHALF OF INVENTOR  
WHO CANNOT BE REACHED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions to file this Declaration on behalf of an inventor who cannot be reached. A co-inventor, Oliver Moreno, was employed by Globespanvirata, Inc. (hereinafter "Globespan") at the time of the invention of the above-referenced application was made. Globespan subsequently assigned its rights in the application to the present assignee, Brooktree Broadband Holding, Inc.

Though Mr. Moreno executed a declaration April 8, 2004 in connection with the filing of the instant patent application, Mr. Moreno has since left the employment of Globespan and cannot be reached to sign the declaration for this application that is presently being submitted in connection with a Petition to Add Name of Omitted Inventor to Non-provisional Application under 37 C.F.R. § 1.48(a).

Therefore, the accompanying declaration has been signed on behalf of Mr. Moreno by the remaining co-inventors of this application. This step was required in order to preserve the proprietary interests of Brooktree Broadband Holding, Inc.

To further support this petition, several attachments are provided evidencing the steps that were taken to present the application and formal papers to Mr. Moreno. This included sending the application and formal papers to Mr. Moreno's last known address

by Federal Express, for which a copy of the delivery confirmation evidencing delivery of a mail packet is attached. As set forth in the letter, Mr. Moreno was instructed to sign the formal papers not later than three weeks from the date of the letter (November 7, 2007) and return the formal papers at the expense of the assignee. The letter stated "If we do not receive a reply from you within three weeks of the date of this correspondence, we will assume that you are unwilling or that you are refusing to sign the enclosed formal papers." As of January 11, 2008, no such executed papers were received from Mr. Moreno.

Attached to this petition is a copy of a Federal Express delivery confirmation evidencing that the abovementioned correspondence as well as the application and formal papers were received at Mr. Moreno's last known address but were not executed and returned.

Therefore, this submission has demonstrated:

- 1) Application papers were attempted to be delivered to a co-inventor, Mr. Oliver Moreno, at his last known address, which delivery was successful.
- 2) However, the application and formal papers were not executed and returned by Mr. Moreno, and the step of filing on behalf of Mr. Moreno is necessary to protect the proprietary interests of Brooktree Broadband Holding, Inc. in the invention.

For at least the foregoing reasons, the undersigned respectfully submits that all legal requirements of 37 C.F.R. § 1.47 have been satisfied by this submission. Therefore, the undersigned respectfully petitions that the USPTO accept the accompanying declaration which has been submitted by the co-inventors on behalf of the inventor Oliver Moreno who has been presented with the application papers but who has improperly refused to sign them.

#### Fee Payment Under 37 C.F.R. § 1.17(g)

You are hereby authorized to charge deposit account no. 50-0835 for the fees associated with this petition. Additionally, you are hereby authorized to charge any underpayments or reimburse any overpayments of fees to deposit account no. 50-0835.

Respectfully submitted,



Scott A. Horstemeyer  
Registration No. 34,183

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1500  
600 Galleria Parkway S.E.  
Atlanta, Georgia 30339  
(770) 933-9500

November 7, 2007

Oliver Moreno  
18 Rue de L'Eure  
75014, Paris  
FRANCE

***Via Federal Express  
International Airbill No.  
7908 6910 3493***

Re: U.S. Utility Patent Application  
Title: Power Spectral Density Masks for Improved Spectral Compatibility  
Serial No.: 10/714,655; Filing Date: November 18, 2003  
Our Ref. 60707-1680 (GV285)

Dear Oliver:

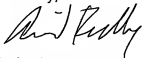
We are writing in connection with the above-identified patent application for which you are a named inventor. As you know, the above patent application was originally filed with the U.S. Patent and Trademark Office ("USPTO") on November 18, 2003. As a named inventor on the application, at that time you reviewed the application and drawings for accuracy and executed a Declaration and Power of Attorney evidencing your approval. However, it has come to our attention that one of the inventors of the above-identified invention was inadvertently omitted from the originally filed application. In order to correct this mistake that was committed without deceptive intent, the technical rules of the USPTO require us to obtain an executed Declaration from all of the originally named inventors, as well as the inadvertently omitted inventor.

Accordingly, please find enclosed herewith a copy of the application and formal drawings as they were originally filed for the above-identified invention. Please review the application and drawings for accuracy and, if you approve of the application, please sign and date the enclosed Declaration and Power of Attorney.

After reviewing and signing the enclosed documents, please return the same to this office so that we can file the same with the USPTO. We have enclosed a federal express envelope for forwarding the same to us. If we do not receive a reply from you within three weeks of the date of this correspondence, we will assume that you are unwilling or that you are refusing to sign the enclosed formal papers.

Thank you in advance for assisting us in this matter.

Sincerely,



Arvind Reddy  
arvind.reddy@tkhr.com

ARR/rpz  
Enclosures

TotWgt: 1 LB

**BILL SENDER**

**18 Rue de L'Eure**

Paris. 75014

FR

REF: 60707-1680  
DESC-1: Legal Documents  
DESC-2:  
DESC-3:  
DESC-4:  
EE: NO EEI 30.37(a)  
COUNTRY MFG: US  
CARRIAGE VALUE: 1.00 USD  
CUSTOMS VALUE: 1.00 USD  
T/C: S 102834208 D/T: R  
SIGN: Arvind Reddy / RPZ  
EIN/VAT:

TRK# 7908 6910 3493  
0430

**INTL ECONOMY PAK**

AM

CDG  
-FR  
75014

**S6-PARA**

These commodities, technology, or software were exported from the United States in accordance with the export administration regulations. Diversion contrary to United States law prohibited.

The Warsaw Convention may apply and will govern and in most cases limit the liability of Federal Express for loss or delay of or damage to your shipment. Subject to the conditions of the contract.

CONSIGNEE COPY - PLEASE PLACE IN POUCH

**Shipping Label:** Your shipment is complete This shipping label constitutes the air waybill for this shipment.

1. Use the "Print" feature from your browser to send this page to your laser or inkjet printer. Fold the printed page along the horizontal line.

2. Place 2 originals of the shipping label in the pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional charges, along with the cancellation of your FedEx account number.

[illegible]

**Zaffino, Rhonda**

---

**From:** TrackingUpdates@fedex.com  
**Sent:** Monday, November 12, 2007 9:53 AM  
**To:** Zaffino, Rhonda  
**Subject:** FedEx Shipment 790869103493 Delivered

---

This tracking update has been requested by:

Company Name: THOMAS KAYDEN HORSTEMEYER & RI  
Name: Arvind Reddy / RPZ  
E-mail: rhonda.zaffino@tkhr.com

---

Our records indicate that the following shipment has been delivered:

Reference:	60707-1680
Ship (P/U) date:	Nov 7, 2007
Delivery date:	Nov 12, 2007 10:15 AM
Sign for by:	.MORENO
Service type:	FedEx International Economy
Packaging type:	FedEx Pak
Number of pieces:	1
Weight:	1.40 lb.
Special handling/Services:	Deliver Weekday

Tracking number: 790869103493

Shipper Information	Recipient Information
ARVIND REDDY / RPZ	OLIVER MORENO
THOMAS KAYDEN HORSTEMEYER RI	18 RUE DE L'EURE
600 GALLERIA PARKWAY;SUITE 1500	PARIS
ATLANTA	FR
GA	75014
US	
30339	

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 8:53 AM CST on 11/12/2007.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the

11/12/2007

request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to [fedex.com](http://fedex.com).

Thank you for your business.